



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/023,441	12/18/2001	Martin J. Jacobs	CP216

CONFIRMATION NO. 2296

FORMALITIES LETTER



OC000000007435624

Cephalon, Inc.
145 Brandywine Parkway
West Chester, PA 19380

Date Mailed: 02/07/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$756.
 - \$504 for 28 total claims over 20.
 - \$252 for 3 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1626.

04/17/2002 AOSMAN1 00000013 031195 10023441

01 FC:101 740.00 CH
02 FC:102 252.00 CH
03 FC:103 504.00 CH
04 FC:105 130.00 CH

05/20/2002 SSALEEKU 00000027 031195 *Copy of this notice MUST be returned with the reply.*

01 FC:102 84.00 CH

R. Lucas

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

DOCKETED



-1-

0300

MP\$

CP216

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Jacobs et al.

Serial No.: 10/023,441

Group Art Unit: 1614

Filing Date: December 18, 2001

Examiner: Not Yet Known

For: MODAFINIL COMPOUND AND CYCLODEXTRIN MIXTURES

DATE OF DEPOSIT: April 5, 2002

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

Patricia A. Sexton

Printed Name Patricia A. Sexton

BOX MISSING PARTS

Assistant Commissioner for Patents
Washington DC 20231

Dear Sir:

TRANSMITTAL LETTER

Transmitted herewith for filing, please find:

- ☐ A Preliminary Amendment.
- ☐ Amendment / Reply
 - ☐ After Final
 - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Information Disclosure Statement.
 - ☐ Attached Form 1449.
 - ☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☐ Certified Copy of Priority Documents

- ☒ Response to Missing Parts / Incomplete Application
- ☒ Response to Missing Parts under 37 C.F.R. 1.52 or 1.53
- ☒ Copy of Notice to File Missing Parts of Non-Provisional Application (Part 2)
- ☒ An ☒ Executed ☐ Unexecuted Declaration or Oath and Power of Attorney.
- ☐ Power of Attorney, Revocation
- ☐ Change of Correspondence Address
- ☐ An Associate Power of Attorney.
- ☐ Drawings(s)
- ☐ Formal ☐ Informal
- ☐ Licensing-related Papers
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ Signed Statement attached deleting inventor(s) named in the prior application.
- ☐ Assignment Papers (*for an application*)
- An ☐ Executed ☐ Copy of Executed Assignment of the Invention to _____
- ☐ A Recordation Form Cover Sheet.
- ☐ Recordation Fee - \$40.00.
- ☐ The prior application is assigned of record to _____
- ☐ Priority is claimed under 35 U.S.C. § 119 of Patent Application No. _____ filed _____ in _____ (country).
- ☐ A Certified Copy of each of the above applications for which priority is claimed:
- ☐ is enclosed.
- ☐ has been filed in prior application Serial No. _____ filed _____.

- ☐ An ☐ Executed or ☐ Copy of Executed Earlier Statement Claiming Small Entity Status under 37 C.F.R. 1.9 and 1.27

☐ is enclosed.

☐ has been filed in prior application Serial No. _____ filed _____ ,
said status is still proper and desired in present case.

- ☐ Diskette Containing DNA/Amino Acid Sequence Information.
- ☐ Statement to Support Submission of DNA/Amino Acid Sequence Information.
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Petition to Accept Photographic Drawings.
- ☐ Petition Fee
- ☐ A copy of Petition for Extension of Time as filed in the prior case.
- ☐ Appended Material as follows: _____
- ☒ Return Receipt Postcard (should be specifically itemized).
- ☐ Express Abandonment
- ☐ Other as follows:

- ☐ A Check is enclosed in the amount of \$_____.
- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 03-1195. This sheet is provided in duplicate.
- ☒ The foregoing amount due.
- ☒ Any additional filing fees required.

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: April 5, 2002



Eric K. Voelk
Registration No. 45,185

CEPHALON, Inc.
145 Brandywine Parkway
West Chester, PA 19380
Phone: (610) 738-6465
Fax: (610) 738-6590

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Jacobs et al.

Serial No.: 10/023,441

Group Art Unit: 1614

Filing Date: December 18, 2001

Examiner: Not Yet Known

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ADDRESSED TO THE ASSISTANT COMMISSIONER
FOR PATENTS, WASHINGTON, D.C. 20231.


Printed Name: Patricia A. Sexton

BOX MISSING PARTS
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:


RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

In response to the "Notice to File Missing Parts of Non-Provisional Application --
Filing Date Granted" Dated February 7, 2002, a response to which is due April 7, 2002
enclosed herewith for filing is:

- ☒ The Original Combined Declaration and Power of Attorney, executed by the
inventor(s). An unexecuted Combined Declaration and Power of Attorney, attached
to the above-identified specification, was filed by Express Mail No. ET251651615US
on December 18, 2001.
- ☒ A copy of the Notice to File Missing Parts of Non-Provisional Application is attached.
- ☐ An Associate Power of Attorney is also enclosed.

- ☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a Verified Statement previously submitted on _____.
- ☐ The original executed Verified Statement Claiming Small Entity Status Under 37 CFR 1.9 and 1.27 is filed herewith.
- ☐ A Verified Statement Claiming Small Entity Status Under 37 CFR 1.9 and 1.27 has been forwarded to the Refund Section, Accounting Division, Office of Finance on _____. A copy of this Verified Statement Claiming Small Entity Status form and the Request for Refund form is enclosed for your convenience.
- ☐ A check in the amount of _____ is enclosed to cover the surcharge.
- ☒ Please charge the surcharge to my Deposit Account No. 03-1195 in the amount of **\$130.00** and the filing fee in the amount of **\$1,580.00** for a total amount of **\$1,710.00**.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 03-1195. This sheet is attached in duplicate.
- ☒ Any patent application processing fees under 37 CFR 1.17 and under 37 CFR 1.20(d).
- ☐ The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
- ☒ Any filing fees under 37 CFR 1.16 including fees for presentation of extra claims.

Date: April 5, 2002


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Fax: (610) 738-6590

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☐ is enclosed.

☐ has been filed in prior application Serial No. _____ filed _____, said status is still proper and desired in present case.

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☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Petition to Accept Photographic Drawings.

☐ Petition Fee

☐ A copy of Petition for Extension of Time as filed in the prior case.

☐ Appended Material as follows: _____.

☒ Return Receipt Postcard (should be specifically itemized).


☐ Express Abandonment

☒ Other as follows: 1) Request for Corrected Filing Receipt;
2) Copy of Filing Receipt with changes noted.

- ☐ A Check is enclosed in the amount of \$_____.
- ☐ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 03-1195. This sheet is provided in duplicate.
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- 1 -

CP216

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Jacobs et al.

Serial No.: 10/023,441

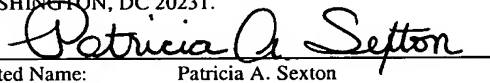
Group Art Unit: 1614

Filing Date: December 18, 2001

Examiner: Not Yet Known

For: MODAFINIL COMPOUND AND CYCLODEXTRIN MIXTURES

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WASHINGTON, DC 20231.


Printed Name: Patricia A. Sexton

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington DC 20231

REQUEST FOR CORRECTED FILING RECEIPT


1. Attached is a copy of the Official Filing Receipt received from the PTO in the above-identified application for which issuance of a Corrected Filing Receipt is respectfully requested.
2. There is an error in respect to the following data:
 - ☒ incorrectly entered; and/or
 - ☒ omitted.

Error in	Correct Data
1. Applicant's address:	1.
2 Applicant's address:	2
3. Title: (typographical error in title)	3.
4.Filing Date:	4.
5.Serial Number:	5.
6.Foreign/PCT Application No.:	6.
7.Other:	7.
Independent Claims	7
Correspondence Address	Robert T. Hrubiec Cephalon, Inc. 145 Brandywine Parkway West Chester, PA 19380

3. (complete the following applicable item A or B)

- A. ☒ The correction(s) is/are not due to any error by applicant and no fee is due.
- B. ☐ At least one of the above corrections is due to applicant's error and the fee therefore under 37 C.F.R. 1.19(h) of \$25.00 is paid as follows.
- ☐ A check in the amount of \$25.00 is attached to cover the surcharge. Please charge any deficiency or credit any overpayment to Deposit Account No. 03-1195.
- ☐ Please charge the surcharge to my Deposit Account No. 03-1195 in the amount of \$25.00.

Date: April 5, 2002


Eric K. Voelk
Registration No. 45,185

CEPHALON, Inc.
145 Brandywine Parkway
West Chester, PA 19380
Telephone: (610) 738-6465
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/023,441	12/18/2001	1614	0.00	CP216	1	48	87

Robert T. Hrubiec
Cephalon, Inc.
145 Brandywine Parkway
West Chester, PA 19380



CONFIRMATION NO. 2296

FILING RECEIPT



OC000000007435623

Date Mailed: 02/07/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Martin J. Jacobs, West Chester, PA;
Piyush R. Patel, Wallingford, PA;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/256,681 12/19/2000

Foreign Applications

If Required, Foreign Filing License Granted 02/06/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Modafinil compound and cyclodextrin mixtures

DOCKETED

Preliminary Class

514

LICENSE FOR FOREIGN FILING UNDER
Titl 35, United States Cod , S ction 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

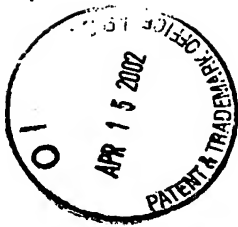
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



-1-

CP216

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Jacobs et al.

Serial No.: 10/023,441

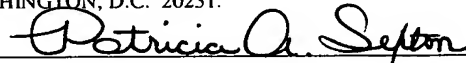
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WASHINGTON, D.C. 20231.


PATRICIA A. SEXTON

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231

Dear Sir:

TRANSMITTAL LETTER

Transmitted herewith for filing, please find:

- ☐ A Preliminary Amendment.
- ☐ Amendment / Reply
 - ☐ After Final
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- ☐ Extension of Time Request
- ☐ Information Disclosure Statement.
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- ☐ Signed Statement attached deleting inventor(s) named in the prior application.
- ☐ Assignment Papers (*for an application*)
 - An ☐ Executed ☐ Copy of Executed Assignment of the Invention to _____
 - ☐ A Recordation Form Cover Sheet.
 - ☐ Recordation Fee - \$40.00.
- ☐ The prior application is assigned of record to
- ☐ Priority is claimed under 35 U.S.C. § 119 of Patent Application No. _____ filed _____ in _____ (country).
 - ☐ A Certified Copy of each of the above applications for which priority is claimed:
 - ☐ is enclosed.

☐ has been filed in prior application Serial No. _____ filed _____.

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